

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|--------------------------------|---|--------------------------------|
| DAVID W. FISHER, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Civil Action No. 3:20cv905-HEH |
| |) | |
| OFFICER MURRY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION
(Dismissing Defendant for Lack of Service)

Plaintiff, a Virginia inmate proceeding *pro se* filed this civil rights action. The matter is before the Court on Plaintiff's failure to serve Defendant Noyce within the time required by Federal Rule of Civil Procedure 4(m).

Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff had ninety (90) days from the filing of the complaint to serve the defendants. Here, that period commenced on September 15, 2021. By Memorandum Order entered on January 19, 2022, the Court directed Plaintiff, within eleven (11) days of the date of entry thereof, to show good cause for his failure to serve the Defendant Noyce within the time required by Rule 4(m). Plaintiff has not responded. Accordingly, the action will be dismissed without prejudice against Defendant Noyce.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: February 24, 2022
Richmond, Virginia